

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

WILMINGTON FIREFIGHTERS ASSOCIATION)	
LOCAL 1590,)	
)	
Charging Party,)	
)	Review of Hearing
)	Officer's Decision
v.)	ULP No. 00-07-287
)	
CITY OF WILMINGTON,)	
)	
Respondent.)	

APPEAL OF THE EXECUTIVE DIRECTOR'S DECISION

On May 7, 2001, the Executive Director issued his decision in the above-captioned matter. On May 15, 2001, the Wilmington Firefighters' Association ("WFFA"), Local 1590 requested that the Public Employment Board ("PERB") review the decision of the Executive Director.

Pursuant to a Notice of a Public Meeting, the matter was considered by the PERB on June 20, 2001.

BACKGROUND

Both the WFFA and the FOP negotiated an across-the-board general wage increase of 3%. In addition, the City and the FOP negotiated changes in the individual steps of the police salary matrix which ranged between one and two percent.

On or about June 24, 1999, representatives of the City and WFFA executed a letter memorandum which included the following language:

This letter will act as confirmation for a tentative agreement between the City of Wilmington and Local 1590 Firefighters Association. It is understood that the changes to the current contract are those that we have worked on at the bargaining table. All other Articles in the contract will remain as is current contract language.

If any other Union receives wages or benefits greater than what Local 1590 bargained for, Local 1590 will receive those greater wages, and benefits (Parity with other locals) . . .

WFFA, alleges the City's refusal to reopen salary and benefit negotiations violates the labor agreement in force, which contains a parity agreement between the parties. WFFA argues that the Executive Director erred in deciding that the adjustment to the FOP salary matrix beyond the 3% general wage increase did not constitute an increase in wages and benefits as intended by the parity agreement, and that, consequently no violation of 19 Del. C. Section 1607(a)(5) occurred.

DISCUSSION

The WFFA argues that "wages" is a broad concept and that because the monies above the 3% general increase are taxable and considered in the computation of overtime and pension entitlement, they constitute "wages" within the scope of the parity agreement. This argument is unpersuasive.

The Executive Director properly concluded that parity agreements are, at best, to be narrowly construed. The WFFA's definition of the term "wages" within the context of this parity agreement creates the risk of depriving other bargaining representatives of

their statutory right to negotiate wages based upon the circumstances unique to the bargaining units they represent. Consequently, it must be rejected.

At the time the City and the FOP were negotiating the disputed adjustment to the police salary matrix, the City was implementing a community-based policing program. Community-based policing involved the creation of sub-stations strategically placed throughout the City. This programmatic change resulted in a reorganization and redistribution of responsibilities within the police force. For example, Lieutenants were placed in charge of the sub-stations thereby assuming numerous responsibilities previously performed by Captains. The responsibility of other ranks also increased in areas such as reliance upon computers for the timely retrieval of information and report writing.

The Board believes that the increase to the FOP salary matrix above the 3% across-the-board general wage increase received by the WFFA reflects equity adjustments required by circumstances unique to the police department, which are not subject to the parity agreement negotiated by the City and WFFA.

DECISION

After reviewing the entire record, including oral arguments presented at the June 20, 2001 meeting, the Board unanimously concurs with the findings and conclusions of the Executive Director, and therefore, vote to affirm the Executive Director's decision issued on May 7, 2001.

IT IS SO ORDERED.

/s/Henry E. Kressman

Henry E. Kressman
Board Chair

/s/R. Robert Currie, Jr.

R. Robert Currie, Jr.
Board Member

/s/Elizabeth D. Maron

Elizabeth Daniello Maron, Esq.
Board Member

Dated: July 20, 2001